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09/819,152	03/27/2001	Craig A. Paulsen	IGTIP026/P-256	2667

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 09/08/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/819,152	PAULSEN, CRAIG A.
	Examiner	Art Unit
	Scott E. Jones	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-15,30-44 and 55-67 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15,30-44 and 55-67 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the request for continued examination and amendment filed on August 4, 2003 in which applicant amends claim 1, 30, and 55, and responds to the claim rejections. Claims 1-15, 30-44, and 55-67 are pending.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2003 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15, 30-44, 55-61, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker) (U.S. 6,110,041).

Walker discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which receives preference data from a player and configures the gaming machine to match the received

preference data. The player inserts an electronic player tracking card (or other “biometric” data is used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is authenticated the central server programs or configures the gaming machine to the player’s preferences. Walker additionally discloses:

Regarding Claims 1, 30, 38, 40, 42, 44, 55, 56, and 58:

- a master gaming controller (slot machine controller (310)) is configured to control one or more games played on the gaming machine and to request preference account information from a remote server (central server) (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B); and
- a memory configured to store gaming software that allows the master gaming controller to request one or more different portions of the preference account information from the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B);
- the preference account information comprises preferred gaming machine settings (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B); and
- a user interface configured to display preferences, to receive selections, and to display information regarding one or more preferences in a group of available preferences, wherein the information regarding the one or more preferences allows one to compare the available preferences (Abstract, Figs. 5, 9, 10A, 11A, Column 2, lines 21-41, and Column 7, line 45-Column 8, line 6). First, Walker’s user interface has to display information regarding one or more preferences in a

group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a machine that uses default preferences for a gaming machine. Second, as a minimum, a player is able to compare available preferences during game play. For instance, if the player has selected a “Loud” sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a “medium” or “low” sound, etc.

Regarding Claims 2, 38, and 39:

- two different portions of the preference account information are requested on the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B).

Regarding Claims 3, 6, 30, 31, 34, and 57:

- the loyalty point account information comprises an amount of loyalty points rewarded during a particular event (Column 5, lines 42-60).

Regarding Claims 4 and 32:

- the particular event comprises a game play (Column 5, lines 42-60).

Regarding Claims 5 and 33:

- the loyalty account settings are selected based on a name or address (Figure 4).

Regarding Claims 7 and 35:

- the preferred game is a slot machine (Column 3, lines 61-64).

Regarding Claims 8, 9, 36, and 37:

- the preferred gaming features and settings are game presentation speed or game audio features (Column 5, lines 1-5).

Regarding Claims 10, 11, and 43:

- biometric input device designed to receive biometric information from a player, such as, a fingerprint or retina scan (Column 6, lines 47-61).

Regarding Claims 12, 41, and 59:

- an interface (display screen (346)) designed to display preference account information (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B).

Regarding Claim 13:

- the interface is compatible with a web browser (Column 9, lines 27-35).

Regarding Claims 14, 15, and 40:

- one or more input devices designed to input preference account information, including a video touch screen, a card reader, keypad, etc. (Figures 3, and 9-11B, and Column 6, lines 39-61).

Regarding Claim 60:

- the information displayed regarding the one or more preferences includes a simulated game generated using one or more preference selections (Column 6, lines 32-38 and Column 7, line 45-Column 8, line 31).

Regarding Claim 61:

- the information displayed regarding the one or more preferences includes an account summary (Figure 5).

Regarding Claim 67:

- the information displayed regarding one or more preferences includes a promotional opportunity (Figure 8 (Comp Rate, Comp Specs), column 3, lines 42-45, column 4, lines 49-64, and column 5, lines 32-36, and 42-60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Walker et al. (U.S. 6,077,163).

Walker ('041) discloses that as discussed above with regards to Claims 1-15, 30-44, 55-61, and 67. Walker ('041) seems to lack explicitly stating:

Regarding Claim 62:

- the account summary includes points awarded for an activity.

Regarding Claim 63:

- the account summary includes one or more fields chosen from the group consisting of a date, a location, an activity, and points awarded for an activity.

Regarding Claim 64:

- the information displayed regarding the one or more player preferences includes award level categories.

Regarding Claim 65:

- each award level category includes one or more prizes that are redeemable at an award level corresponding to the award level category.

Regarding Claim 66:

- the user interface further comprises an information display area for displaying additional information for each of the prizes.

Walker ('163), like Walker ('041) teaches of a gaming device having player selectable preferences. Walker ('163) teaches of a player selecting preferences for playing a flat rate play session on a gaming device. Additionally, Walker ('163) teaches:

Regarding Claim 62:

- the account summary includes points awarded for an activity (Figure 4).

Regarding Claim 63:

- the account summary includes one or more fields chosen from the group consisting of a date, a location, an activity, and points awarded for an activity (Figure 5).

Regarding Claim 64:

- the information displayed regarding the one or more player preferences includes award level categories (1 coin, 2 coin, and 3 coin) (Figure 6).

Regarding Claim 65:

- each award level category includes one or more prizes that are redeemable at an award level corresponding to the award level category (Figure 6).

Regarding Claim 66:

- the user interface further comprises an information display area for displaying additional information (pay combination status) for each of the prizes (Figure 6).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the player playing preferences of Walker ('163) in Walker ('041). One would be motivated to do so such that a player could configure Walker ('041) to input a flat rate price based upon the at least one identified price parameter, and initiate a flat rate play session of the gaming device upon receiving an indication of payment of the flat rate price.

*Response to Arguments*

7. Applicant's arguments filed August 4, 2003 have been fully considered but they are not persuasive.

8. Applicant overcomes the rejection to claims 1-15, 30-44, and 55-67 under 35 U.S.C. 112, first paragraph by submitting claim amendments removing the language, "relative attribute of" from the claims. Therefore, the examiner withdraws the rejection.

9. Applicant disagrees with the rejection to claims 1-15, 30-44, 55-61, and 67 under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker) (U.S. 6,110,041).

Regarding claim 1, applicant alleges Walker does not disclose, "a user interface configured to display preferences, to receive preference selections, and to display information regarding one or more preferences in a group of available preferences, wherein the information regarding the one or more preferences allows one to compare the available preferences." The

examiner respectfully disagrees. First, Walker's user interface has to display information regarding one or more preferences in a group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a machine that uses default preferences for a gaming machine. Second, as a minimum, a player is able to compare available preferences during game play. For instance, if the player has selected a "Loud" sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a "medium" or "low" sound, etc.

Regarding claim 30, applicant alleges Walker does not disclose, "displaying information regarding one or more preferences in a group of preferences, wherein the information regarding the one or more preferences allows one to compare the available preferences." The examiner respectfully disagrees. First, Walker's user interface has to display information regarding one or more preferences in a group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a machine that uses default preferences for a gaming machine. Second, as a minimum, a player is able to compare available preferences during game play. For instance, if the player has selected a "Loud" sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a "medium" or "low" sound, etc.

Regarding claim 55, applicant alleges Walker does not disclose, “wherein said user interface is configured to display preferences, to receive preference selections, and to display information regarding one or more preferences in a group of available preferences, wherein the information regarding the one or more preferences allows one to compare the available preferences.” The examiner respectfully disagrees. First, Walker’s user interface has to display information regarding one or more preferences in a group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a machine that uses default preferences for a gaming machine. Second, as a minimum, a player is able to compare available preferences during game play. For instance, if the player has selected a “Loud” sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a “medium” or “low” sound, etc.

Regarding Claim 60, applicant alleges Walker does not disclose, “the information displayed regarding the one or more preferences includes a simulated game generated using one or more preference selections.” The examiner respectfully disagrees. In particular, once a player inputs his/her preference data into the gaming machine, these preferences are associated with a player’s identification number such that when the player inserts their player tracking card into the gaming machine, the gaming machine accesses the player preference data and uses the player preference data during game play.

For the reasons discussed hereinabove, the examiner maintains the rejection to claims 1-15, 30-44, 55-61, and 67 under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker)

(U.S. 6,110,041) and the rejection to claims 62-66 are under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Walker et al. (U.S. 6,077,163).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ  
sej

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